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Announcements

Richard D. Thompson, AIA (Chattanooga, Tennessee) was recently appointed to serve as an architect member of the Board representing East Tennessee; he will serve until June 30, 2009.

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The Board will hold a meeting at the University of Tennessee at Chattanooga on October 11-13, 2006, during which there will be an open forum for registrants, building, fire, and planning officials, the public, and other interested parties. The agenda for the meeting, including the time and location of the open forum, will be posted on the Board's website.

ONLINE RENEWAL INFORMATION

In August 2006, the Board began offering online license renewal. While this system will greatly facilitate the renewal process, a few items require explanation.



- Registrants will still receive the usual renewal notification through the mail, and registrants will continue to have the option of renewing by mail.
- Registrants on retired status are not eligible for online renewal and must renew by submitting the mailed form.
- Registration status changes cannot be made online. If you desire to change your registration status, you must submit the mailed form.
- Registrants eligible for online renewal may go to the Board's website (www.state.tn.us/commerce/boards/ae) and click on the online renewal link.
- After logging in by entering their registration number and zip code, registrants may update their address information. Registrants may not make changes to other basic information. This system may also be used to update an address between license renewals.
- After verifying and confirming basic information, all registrants will receive a message telling them that they are not eligible to complete their license renewal online because staff processing is required. This message appears because the renewal is considered pending until reviewed by office staff. If all requirements are met, the license is renewed within two business days. Simply ignore this message and click "Continue" to proceed with the renewal questions and payment.
- After responding to the renewal questions, registrants may make a payment using either a credit or debit card. A \$2.00 transaction fee plus up to a 2% credit/check card fee will be added to the renewal fee.
- Registrants will then see a payment confirmation screen again telling them that there is a deficiency and that staff processing is required. This message does not necessarily mean that the license will not be renewed. If all requirements have been met, Board staff will issue the license within two business days. Registrants will be notified if any outstanding deficiencies need to be addressed. Please note that registrants cannot practice or offer to practice their profession in Tennessee (or use the title "registered interior designer") on an expired license.
- For additional assistance during the online renewal process, you may click on the "Help and FAQs" link at the bottom of the web page.

It is anticipated that this system will be replaced by an updated version at some point in 2007. ■

STAMPING DRAWINGS ON TDOT PROJECTS

By Raymond D. White,
Associate Engineer Board Member

When adding utility designs (or other design items) to Tennessee Department of Transportation (TDOT) drawings it is necessary for the registrant in responsible charge of the utility design to stamp the drawings. In order to make it clear what the stamp covers, it is recommended that the registrant include a notation with the stamp saying what portion of the work shown on the drawings is covered by the stamp and what portion is covered by TDOT or its consultant. The utility designer should also include in the notation the date of issue of TDOT's plans upon which the utilities design is based. This will alert TDOT to have any necessary changes made in the utility design if TDOT should revise the base plans. In order to further highlight the work covered by the registrant's stamp, the registrant may be able to print the underlying TDOT design lighter than the registrant's work or use some other printable method of differentiating. Finally, registrants are cautioned to be sure that they have all TDOT plans they need in order to carry out their design work. Tennessee Code Annotated Section 54-5-854 prescribes the requirements to submit location plans within 120 calendar days to TDOT. Failure to comply with State Statute could result in a utility being ineligible for reimbursement. ■

CAN THERE BE PROPER USE OF "PROTOTYPICAL" PLANS?

Registrants frequently contact the Board office with questions about whether they may "use" plans that are "prototypical". The Board has not adopted a specific definition of "prototypical," but the Compact Oxford English Dictionary (www.askoxford.com) defines "prototype" as: 1. a first or preliminary form from which other forms are developed or copied; 2. a typical example of something. In matters before the Board, "prototypical" generally refers to drawings that are provided to a registrant from a client or other third party with a request to "just use these drawings" when the registrant was not involved in the original development and preparation of the drawings.

State law makes it unlawful for a registrant to seal or stamp any document that has not been prepared by the registrant or under the registrant's responsible charge [Tenn. Code Ann. § 62-2-306(b)]. The Board has consistently interpreted this section of the law to mean that a registrant is prohibited from sealing or stamping any document for which the registrant was not responsible for the original design. To merely review and seal or stamp drawings is most commonly referred to as plan stamping; the Board's discipline for plan stamping ranges from a warning or reprimand, to the imposition of civil penalties, to the suspension or revocation of a certificate of registration. As a guide to help registrants understand and to assist the Board in determining when documents are deemed to have been prepared under the responsible charge of a registrant, the Board promulgated rule 0120-2-.08 governing the use of the seal. The registrant is prohibited from affixing the registrant's seal or signature to "documents developed by others not under [the registrant's] responsible charge *and not subject to the authority of that registrant in critical professional judgments*" [Rule 0120-2-.08(5), emphasis added]. Rule 0120-2-.08(6) sets forth four (4) criteria that must be met by the registrant in order for the registrant to be deemed to have been in responsible charge of the preparation of a document. Rule 0120-2-.08(6)(c) provides that "review of work prepared by another person...does not constitute responsible charge" unless the registrant has met all four (4) criteria.

Despite this general prohibition, there are instances when either state law or Board policy (which is an articulation of the Board's interpretation of its law or rules) recognize the use of prototypical plans. Tenn. Code Ann. § 62-2-306(e) provides that an architect or an engineer, "after fully reviewing and modifying, as required," may affix his or her seal or stamp to a document "prepared by another architect or engineer" if that document has been designated as a state standard prototype, which is defined by Tenn. Code Ann. § 12-4-116 as a design on which a state correctional facility is based (so that the design can be used by the state to construct similar buildings at different sites at a future time). The state building commission is the entity responsible for designating state standard prototypes. The law governing these prototypes has specific requirements for the registrant who uses these drawings if the original registrant is not also involved; registrants involved in state standard prototypes should consult this statute for a detailed explanation of their obligations and liabilities.

The Board also adopted a policy (first adopted March 30, 1990) entitled "Prototypical Plans, Computer Aided Design, and United States Postal Services Kit of Parts," which states:

The substantial portion of any project sealed by an architect, engineer, or landscape architect should be developed under his or her responsibility. The use of predrawn detail items or detail units by a registrant who has reviewed and accepted same, as long as the health, safety, and welfare of the public are

cont. next page

Prototypical...cont.

protected, is allowed.

The policy communicates to the registrant that the registrant may incorporate predrawn detail items (items developed by someone not under the registrant's responsible charge, such as a refrigeration unit for a grocery store) into the registrant's plans, seal the plans and not be considered to be in violation of the laws and rules prohibiting plan stamping. Similarly, the Board has explained in the past that the United States Postal Service issued plans in a "kit of parts" that were prototypical and could be used in various configurations; in these cases, a registrant using the kit of parts and sealing the project drawings would not be considered to be in violation of the laws and rules prohibiting plan stamping. Computer aided design, while a useful tool for the registrant, may not be used to substitute for the registrant's original development of design and preparation of drawings. In using computer aided design, the services of a draftsman or any other drafting method whereby the registrant does not prepare the drawings directly, the registrant is required to comply with rule 0120-2-.08(5) and (6) of the Board's Rules of Professional Conduct.

Before accepting work, the registrant should consult the Board's Rules of Professional Conduct and, as with all questions of interpretation of the rules, contact the Board office. ■

ENERGY AUDITS

When is a registrant's participation in the performance of an energy audit required? Whenever architectural or engineering services are required.

This question has been presented to the Board several times in recent years, each time with different factual circumstances. Because the scope of energy audits differs from one to the next, it is difficult for the Board to state unequivocally whether performing an energy audit constitutes the practice of

architecture or engineering, requiring registration as an architect or engineer.

If architectural or engineering services are required as part of the evaluation of a structure in connection with an energy audit, a registrant of the Board is required to perform those services. If the energy audit was commenced by a nonregistrant, and it becomes apparent that architectural or engineering services, including design recommendations, are warranted, the nonregistrant should associate with qualified Tennessee registrants. Put another way, the nonregistrant energy auditor may walk through, document, and show cause without violating the Board's law; however, the nonregistrant energy auditor may not offer to make any design recommendations or design decisions or do any other act that would constitute the practice of architecture or engineering. ■

DID YOU KNOW?

Tennessee Code Annotated, Section 62-2-109, which formerly applied only to earthquake disasters, has been amended to include any declared emergency. The amended statute exempts architects and engineers who provide voluntary structural or building systems inspection services at a declared national, state or local emergency from being liable for any personal injury or property damage caused by negligent inspections.

The State Legislature passed a bill this year which requires insurers that offer homeowner property insurance to make insurance coverage available for sinkhole losses on any dwelling, including its contents. This legislation becomes effective January 7, 2007. When an insurer receives a claim for sinkhole damage and after a visual inspection noting possible damages, a professional engineer who possesses geotechnical experience or expertise in sinkhole activity or a professional geologist must be engaged to inspect the property prior to the insurer denying such claim. For a copy of this

legislation, please go to <http://tennessee.gov/sos/acts/104/pub/p0805.pdf>.

The National Council of Examiners for Engineering and Surveying (NCEES) has announced the creation of the Registered Continuing Education Providers Program (RCEPP). The new program forms a comprehensive registry of continuing education providers that have demonstrated adherence to high-quality, effective practices in professional education for engineers and surveyors. It is a joint effort between NCEES and the American Council of Engineering Companies. The program began August 1, 2006, at which time NCEES launched www.rcep.net, a comprehensive website that makes it easier for engineers and surveyors to fulfill and track continuing professional competency (CPC) requirements. Licensees will, however, continue to be ultimately responsible for the acceptability of CPC courses and activities.

The Interior Design Continuing Education Council (IDCEC) has changed its method of determining health, safety and welfare (HSW) content for continuing education courses. The IDCEC will no longer determine HSW content using the subject code of the course. The new criteria may be viewed at <http://www.idcec.org/pdfs/PressReleaseHSW.pdf>.

The Foundation for Interior Design Education Research (FIDER), the accrediting organization for interior design programs, has changed its name to the Council for Interior Design Accreditation. Their new website is www.accredit-id.org/.

The Board recently adopted three new policies regarding design competitions, expert testimony, and revisions to plans prepared by another registrant. The Board also recently revised the policies regarding construction documents and use of the seal and multiple registrants' seals on a document. The policies may be viewed at the Board's website. ■

Disciplinary Action Taken by the Board

INFORMAL CONFERENCES:

The Board held informal conferences on March 16 and May 18, 2006, regarding the following issues:

ALLEGATION: A registered architect signed and sealed the architectural, mechanical, plumbing and electrical drawings for an apartment complex. Concern was expressed that the plumbing plans were incomplete, indicating a lack of competence in that discipline. The plans also contained some seals that were not properly signed and dated and seals of two other states.

DECISION: Letter of Caution regarding use of the seal.

ALLEGATION: A registered architect signed and sealed both the architectural and the structural drawings for an educational occupancy. The architect stated that he simply reviewed and altered a set of prototypical plans rather than redrawing the plans.

DECISION: Letter of Caution regarding use of the seal.

ALLEGATION: A registered architect signed and sealed both the architectural and the structural drawings for an addition to an institutional occupancy. The architect stated that he has education, training and experience in structural engineering and has designed similar buildings over the years. The architect further stated that, because of time constraints, a professional engineer completed the structural engineering part of the drawings.

DECISION: The architect was advised to be more sensitive to the structural elements, to improve coordination among the disciplines, and to use competent people. The case was closed with no further action.

FORMAL ACTIONS:

James Patrick Bales, R.A. #101057
Chattanooga, Tennessee

VIOLATION: Practiced architecture on an expired certificate of registration. Tenn. Code Ann. §62-2-105(a)(1)(D).

PENALTY: \$500 civil penalty.

FINAL ORDER: May 19, 2006

James Joseph Barlow, P.E. #106547
Raleigh, North Carolina

VIOLATION: Practiced engineering on an expired certificate of registration. Tenn. Code Ann. §62-2-105(a)(1)(D).

PENALTY: \$1,800 civil penalty.

FINAL ORDER: January 19, 2006

Todd R. Chase, R.A. #103161
Fort Lauderdale, Florida

VIOLATION: Unlicensed practice of architecture prior to registration. Tenn. Code Ann. §§62-2-101 and 62-2-105.

PENALTY: \$500 civil penalty.

FINAL ORDER: July 20, 2006

Donald R. Ellison, P.E. #15749
Williamsburg, Kentucky

VIOLATION: Suspension of registration in another jurisdiction. Tenn. Code Ann. §62-2-308(a)(1)(F) and Rule 0120-2-.07(5)(b).

PENALTY: 6-month suspension, which was stayed; 6-month probation with quarterly written reports to Board; take and pass the Board's law and rules exam.

FINAL ORDER: January 19, 2006

Raymond Enfield, R.A. #100892
Elkhart, Indiana

VIOLATION: Affixed seal to documents not prepared by him or under his responsible charge; documents were not prepared in compliance with applicable building codes. Tenn. Code Ann. §§62-2-306(b) and 62-2-308(a)(1)(C), (E), and Rules 0120-2-.03 and 0120-2-.08.

PENALTY: Revocation of certificate of registration.

FINAL ORDER: January 19, 2006

Robert E. Gregg, R.A. #19335
Clearwater, Florida

VIOLATION: Practice outside area(s) of competence. Rule 0120-2-.03.

PENALTY: Cautioned; pay investigative costs of \$500; take and pass the Board's law and rules exam.

FINAL ORDER: January 19, 2006

Philip J. Klover, P.E. #100563
Springfield, Tennessee

VIOLATION: Practiced engineering on an expired certificate of registration. Tenn. Code Ann. §62-2-105(a)(1)(D).

PENALTY: \$2,000 civil penalty; take and pass the Board's law and rules exam.

FINAL ORDER: March 20, 2006

Robert D. Legler, Nonregistrant
Beavers Dam, Kentucky

VIOLATION: Unlicensed practice of architecture and engineering. Tenn. Code Ann. §§62-2-101 and 62-2-105.

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Information On Examinations



The Board would appreciate your sharing information about these professional examinations with interns in your office.

ARCHITECTURE

Future information about the ARE and free practice software are available at the National Council of Architectural Registration Boards' (NCARB's) web site: www.ncarb.org.

Exam Results (12/22/05-7/25/06)

	Total	Pass
Bldg. Planning	26	17
Bldg. Technology	17	11
Constr. Doc. & Services	29	28
Gen. Structures	25	21
Lateral Forces	28	19
Mat. & Meth.	25	25
Mech. & Elec.	24	17
Pre-Design	25	20
Site Planning	24	11

ENGINEERING

Beginning in October 2003, the National Council of Examiners for Engineering and Surveying (NCEES) assumed responsibility for administering and proctoring the engineering examinations in Tennessee.

• Fundamentals of Engineering Examination—

Application Deadlines:

	Seniors*	Non-seniors**
Spring Exam	February 1	January 1
Fall Exam	September 1	August 1

*Engineering students with senior status in the engineering curriculum.

**Those who have already been awarded an undergraduate degree in engineering.

The FE exam is currently administered in Chattanooga, Cookeville, Franklin, Knoxville, Martin, and Memphis on:

October 28, 2006
April 21, 2007

• Principles and Practice of Engineering Examinations—

The application deadline for new applicants for the spring Principles and Practice of Engineering (P&P) exam is December 1. The fall deadline is June 15. Exam applicants must have the required years of experience prior to

filing the application. New exam applicants must submit all required supporting documentation by January 1 for the spring exam and by July 15 for the fall exam to ensure that their applications are processed prior to the exam-scheduling deadline. The exam will be given in Franklin, Knoxville, and Memphis on:

October 27, 2006
April 20, 2007

To facilitate scheduling of the P&P exams, retake requests and fees should be received by the Board office by February 1 for the spring exam and September 1 for the fall exam. Registrants wishing to take other exam disciplines must submit an application to add an exam discipline (available at the Board's website) with the appropriate exam fee by February 1 for the spring exam and August 1 for the fall exam. The examination fee is currently \$135, the retake fee is \$210, and the Structural II exam fee is \$480. Those wishing to take the Structural II exam must already be registered either by taking the Civil or Structural I exams as the basis for registration.

For information regarding exam study materials, calculators permitted in the examination room, and exam specifications please visit the NCEES website (www.ncees.org).

Exam Results (4/06)

	Total	Pass
FE	422	269
PE	195	95

LANDSCAPE ARCHITECTURE

The multiple-choice sections of the Landscape Architect Registration Examination (LARE)—Sections A, B and D—are now computerized and are administered separately from the graphic portions of the examination by the Council of Landscape Architectural Registration Boards (CLARB). In order to take the multiple-choice sections of the examination, exam candidates must register directly with CLARB at www.clarb.org. Tennessee candidates

are required to indicate that they have been approved to sit for the examination by the Tennessee Board when registering for the examination. Candidates may take the examination at any of the approved CLARB testing centers, and examination fees (scoring and administration fees) are paid at the testing center. Additional information regarding the computerized sections, including current fees and exam dates, is available at CLARB's website.

The graphic portions of the examination—Sections C and E—will continue to be administered in Nashville, Tennessee by the Tennessee Board with examination fees paid directly to the Board. The dates for the administration of the graphic sections of the LARE are as follows:

December 4-5, 2006
June 11-12, 2007

The application deadline for new applicants is January 15 of each year.

The exam fees for the graphic portions are as follows:

Dec. 2006/June 2007

Section C	\$250
Section E	\$250

Exam Results (12/05)

	Total	Pass
Section C	3	2
Section E	2	0

INTERIOR DESIGN

The Interior Design Qualification exam will be given on:

October 13-14, 2006
March 30-31, 2007

To obtain an application for the exam, call the National Council for Interior Design Qualification (NCIDQ) at 202-721-0220, or visit www.ncidq.org. The application deadline for the spring exam is December 1; the deadline for the fall exam is June 1.

Disciplinary Actions....cont.

PENALTY: Cease and desist order.

FINAL ORDER: January 19, 2006

Earl F. McKinney, P.E. #12023
Lexington, Kentucky

VIOLATION: Revocation of registration in another jurisdiction. Tenn. Code Ann. §62-2-308(a)(1)(F) and Rule 0120-2-.07(5)(b).

PENALTY: Revocation of certificate of registration; pay proceeding, investigatory and hearing costs.

FINAL ORDER: May 19, 2006

Robert L. Puckett, P.E. #5681
Memphis, Tennessee

VIOLATION: Affixed seal to plans not prepared by him or under his responsible charge. Tenn. Code Ann. §62-2-306(b) and Rule 0120-2-.08.

PENALTY: 1-year suspension; \$2,000 civil penalty; take and pass the Board's law and rules exam.

FINAL ORDER: January 19, 2006

Hal R. Sanders, P.E. #7786
Petersburg, Tennessee

VIOLATION: Revocation of registration in another jurisdiction for failure to comply with continuing education audit requirements. Tenn. Code Ann. §62-2-308(a)(1)(F) and Rule 0120-2-.07(5)(b).

PENALTY: Provide proof of having obtained 75 Professional Development Hours prior to July 1, 2006; take and pass the Board's law and rules exam.

FINAL ORDER: May 19, 2006

Robert I. Semaan, P.E. #108296
Elkhorn, Nebraska

VIOLATION: Suspension of registration in another jurisdiction. Tenn. Code Ann. §62-2-308(a)(1)(F) and Rule 0120-2-.07(5)(b).

PENALTY: 3-month suspension; take and pass the Board's law and rules exam; pay hearing scheduling costs of \$170.

FINAL ORDER: May 19, 2006 ■

IN MEMORIAM

The Board and Staff wish to extend our sympathies to the families and friends of these individuals who have honored their professions:

ARCHITECTS

Baldwin, Edgar L.,	#18211
Fleming, Robert Y.,	#2917
Nentwig, Klaus P.,	#4820
Rogers, Charles E.,	#22109
Wheeler, E. L.,	#9397

ENGINEERS

Bennett, David W.,	#19730
Buchanan, William T.,	#7509
Carson, James B., III,	#3794
Choat, Ernest E.,	#4115
Felknor, Ruben T.,	#3117
Flock, Amy Alice,	#106385

Guy, James L.,	#2814
Harris, James K.,	#9329
Irwin, William C.,	#7027
Johnson, Charles A.,	#23020
Lynch, Gregory A.,	#18237
McAlister, Billie M.,	#13126
Meyer, Ervin A.,	#6426
Park, John A.,	#17933
Parris, John L.,	#2524
Stanford, Michael K.,	#20087
St. John, David L.,	#16197
White, A. O., Jr.,	#3008
Williams, Wesley N., Jr.,	#9235
Wright, Arlin E.,	#12360

REGISTERED INTERIOR DESIGNERS

Anderson, Barbara L.,	#695
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If you have a name that should be recognized in this section, please contact the Board office. ■

NEW REGISTRANTS

The Board and staff congratulate the following registrants who passed their respective professional examinations and were registered between July 1, 2005, and December 31, 2005:

ARCHITECTS (Architect Registration Exam)

Rocky Jon Arnold
Kristi Therese Butler
Nell Katherine Travis Campbell
Alan Franklin Hayes
Wayne Richard Johnson
Robert E. Land, Jr.
Kirsten Heilig Lowe
Timothy Paul Mccullough
Christopher Jennings Ozburn
James S. Pareigis
Jay Wilson Purkey
Ronald Jason Putnal
Steven Brett Ragsdale
Ashley Melinda Sullivan
Ty Bennett Williams

ENGINEERS (Principles and Practice of Engineering Examinations)

Ronald Wyatt Bailey, Jr.
Benjamin Robert Davis
Mary Alicia Henry
Samir M. S. Hindieh
Jesse Dwayne McWhorter
Jeffrey Hayden Parris
Michael Douglas Pigg
Jason Paul Siverling
Gary Edward Whittam
David Andrew Wilson

LANDSCAPE ARCHITECTS

(Landscape Architect Registration Exam)

Jason Blakely Brownlee
Jay John Cameli

REGISTERED INTERIOR

DESIGNERS (National Council for Interior Design Qualification Exam)

Christy Michelle Atwell
Lisa Dodd Brachey
Celeste J. Coward
Isaac Grantham Holman
Ashley Elizabeth Jones
Tammy Michele Jordan
Jane Sharwell Skelton
Catherine Ladeane Stone ■



Tennessee Board of Architectural and Engineering Examiners Address Change Form

It's the rule...if you move, you need to give the Board your new mailing address within 30 days (Rule 0120-1-.27). We would also appreciate knowing when you change employers. This is your personal responsibility and not your employer's. We know you want to receive your license renewal notices, newsletters, and other important communications promptly. If you have a change to report, please complete and return this form to the **Board of Architectural and Engineering Examiners**, 500 James Robertson Parkway, 3rd Floor, Nashville, TN 37243-1142. You may also submit address changes by e-mail; send them to Frances Smith at <frances.p.smith@state.tn.us>.

Please do **NOT** submit a change of address with payment of the professional privilege tax; the Department of Revenue does not forward these to the Board.

Name _____ Profession _____

Firm/Employer _____ Certificate # _____

Mailing Address (circle: home or work) _____

City, State, and ZIP _____

Phone Numbers (including area code) Home _____ Office _____

E-mail Address _____ Fax Number _____

Tennessee Board of Architectural and Engineering Examiners

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James O. Hastings, Jr., AIA, Vice Chair
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Sharon Byrd, Public Member
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<http://www.state.tn.us/commerce/boards/ae.ce.aeboard@state.tn.us> (e-mail)
615-741-3221 (Nashville) • 1-800-256-5758 (toll free)
615-532-9410 (fax)

The Tennessee Department of Commerce and Insurance is committed to the principles of equal opportunity, equal access, and affirmative action. Contact the EEO Coordinator or ADA Coordinator at 615-741-2177 (TDD).

Department of Commerce and Insurance, Authorization No. 335192, 7,000 copies, August 2006. This public document was promulgated at a cost of 33¢ per copy.



DOES THE BOARD HAVE YOUR E-MAIL ADDRESS?

If you are receiving a hard copy of this newsletter, then the Board does not have your e-mail address. If you would like to receive the newsletter electronically, please send your e-mail address to Frances Smith at frances.p.smith@state.tn.us. Be sure to include your profession and registration number in your e-mail.



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